

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00056-04

BRYAN JAVINS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On May 24, 2018, the United States of America appeared by J. Matthew Davis, Assistant United States Attorney, and the defendant, Bryan Javins, appeared in person and by his counsel, L. Thompson Price, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer M. Dylan Shaffer. The defendant commenced a 29-month term of supervised release in this action on June 2, 2016, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on November 6, 2015.

The court heard the evidence, the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respect: the defendant has rather consistently failed to make monthly restitution payments of \$200 per month as directed by the court, all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release. The court recognizes that his income has been quite limited during the two years since supervised release commenced on June 2, 2016, being at the annual level of approximately \$10,000 to \$12,000, and that the defendant has had the sole responsibility and cost of taking care of his 15-year old son virtually since birth. The defendant has thus been unable to make regular monthly restitution payments of \$200, though he has been able to make payments at the rate of half that amount, but has failed to do so.


And the court finding, as more fully set forth on the record of the hearing, that the violation warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously

imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of ONE (1) DAY, to be followed by a term of twenty-eight (28) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B) and the standard conditions as set forth in Local Rule 32.3. The \$18,808.51 restitution amount is hereby reimposed and the defendant, who now needs to find new employment, shall make monthly payments thereon at the rate of \$200 per month commencing on July 1, 2018, with payment due on the first day of each month thereafter until paid in full.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 1, 2018

  
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John T. Copenhaver, Jr.  
United States District Judge